

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION  
OPEN MEETING MINUTES  
FEBRUARY 23, 2021**

**This meeting was held via internet and telephone conference call.**

**Trustees Participating:**

Taylor Huffman, Vice Chair  
Jerome Klasmeier, representing Comptroller Peter Franchot  
Joanna Kille, representing Treasurer Nancy Kopp  
Deborah Herr Cornwell, representing Secretary Robert McCord, Maryland  
Department of Planning  
Julie Oberg, representing Secretary Joseph Bartenfelder, Maryland Department  
of Agriculture  
Catherine Cosgrove  
Cricket Goodall  
Robin Kable  
Joseph Wood  
J. Bruce Yerkes

**Trustees Absent:**

William Allen, Chair  
Elizabeth Hill

**Others Participating:**

Michelle Cable, MALPF Executive Director  
Diane Chasse, MALPF Administrator  
Chana Turner, MALPF Administrator  
Sarel Cousins, MALPF Administrator  
Amanda Massoni, MALPF Fiscal Specialist  
Kim Hoxter, MALPF Monitoring, Enforcement and Database Coordinator  
Patrick Martyn, Assistant Attorney General, Department of General Services  
Renee Dyson, Assistant Attorney General, Department of General Services  
Mike Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture  
Beth Beales, Caroline County Program Administrator  
Mike Scheffel, Montgomery County Program Administrator  
Megan Benjamin, Baltimore County Program Administrator  
Donna Landis-Smith, Queen Anne's County Program Administrator  
Devyn King, Cecil County Program Administrator  
Charles Rice, Charles County Program Administrator  
Fatimah Hasan, Prince George's County – MNCPPC  
Deborah Bowers, Carroll County Program Administrator  
J.P. Smith, Carroll County  
Donna Sasscer, St. Mary's County Program Administrator  
Chris Boggs, Washington County Program Administrator  
Dave Kelleher, DGS Appraiser  
Will LeFort, DGS Appraiser  
Julie Enger, DGS Appraiser  
Darryl Andrews, DGS Appraiser  
April Inskeep Dixon, Attorney for Schaffer, Carroll County landowners  
Andrew Tennyson, St. Mary's County landowner  
Caitlyn Moore, Charles County landowner  
Stephanie Moore, Charles County landowner  
Jeff Lagana, Surveyor for Charles County landowners

Ms. Huffman, Vice-Chair, called the meeting to order at 9:05 a.m. via internet and telephone conference call. Ms. Cable stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.



**MALPF Board Open Meeting Minutes February 23, 2021**

2. 18-99-11 Tennyson, Paul et al. ~ 195.68 acres

Request – St. Mary's County:

Request approval of a land exchange to cure an existing easement violation. Per the terms of the exchange, Landowner will add ~5.0 acres and one (1) development right to the easement property in exchange for the ~4.53 acres of MALPF-eased property containing one (1) development right which was previously off-conveyed in violation of the terms of the easement.

Recommendation:

Staff recommends approval subject to

1. Satisfaction of all applicable requirements/conditions set forth below under the header "15.15.11.03 Criteria,"
2. Receipt of analysis from DGS confirming that the value of the easement will not be diminished by the proposed exchange;
3. Written notice from St. Mary's County that the Landowners have complied with all county requirements in connection with creating a minor subdivision for the easement property which reflects both the off-conveyed acreage and the acreage coming into the easement, and any and all other terms and conditions imposed by the county as prerequisite for the transfer of the ~5.0 acres and one (1) development right to the easement property. In addition, all outstanding fines/payments payable to the County in connection with certain tax credit violations must be paid;
4. Waiver of the request for termination clause in the original deed of easement;
5. Landowners entering into a Corrective Easement to document the land exchange as well as the waiver of the request for termination clause;
6. the Landowners signing a letter acknowledging the conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board;
7. Approval of the transaction by the Board of Public Works.

Ms. Turner introduced the item. Ms. Sasscer and Mr. Tennyson were available to address the Board. Mr. Tennyson stated that the Tennyson family did not then nor do they now believe they had any ownership interest in the acreage and dwelling they conveyed to their neighbor. The ownership discrepancy of that portion of the property arose when the Maryland Department of Transportation – State Highway Administration (MDOT SHA) was surveying the property to site a ~14-acre wetland and wetland mitigation bank. Mr. Tennyson questioned whether 1) MDOT SHA had any responsibility to alert MALPF of the acreage discrepancy between his property and neighboring property; and 2) if the county had a system that would have flagged the conveyance plat, and why was this not caught at the county level before the off-conveyance plat was allowed to be recorded. Mr. Tennyson expressed frustration that the Tennyson family had to reimburse the county several thousand dollars in [agricultural] tax credits due to the off-conveyance being recorded.

Ms. Sasscer addressed Mr. Tennyson's questions regarding the county process. Ms. Sasscer explained all lot line adjustment plats are filed through the county's land use and management department before being sent to land records for recording, and that she did not know why this plat was not flagged in that process. Ms. Sasscer also explained that the tax credit reimbursement is required because a portion of the property was taken out of agricultural production.



**MALPF Board Open Meeting Minutes February 23, 2021**

Ms. Chasse introduced the item. Ms. Landis-Smith was available to address the Board.

Motion #5: To approve the request of child's lot up to 1.5 acres, as presented  
Motion: Yerkes Second: Kille  
Status: Approved

D. CARROLL COUNTY

1. 06-90-08 Schaeffer, Allen "David", Jr. ~ 108 acres

Request – Carroll County:

Request approval to further amend the Amendment to Deed of Easement and Relocation Agreement (Amendment) to afford landowner more time to comply with the terms of the Amendment.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item. Ms. Bowers, Mr. Smith, and Ms. Inskeep-Dixon were available to address the Board. Ms. Turner explained that due to the pandemic attendance had been low at the second of three Board-approved auctions to be held to reduce the size of the salvage yard on the landowner's property from ~6.0 acres to 2.0 acres by April 2022. The landowner requested to hold up to two additional auctions, if necessary, to assist in reducing the size of the yard within the prescribed time.

Motion #6: To approve the Amendment and allowance of additional auctions, if needed, to comply with the terms of the Amendment, as presented.  
Motion: Kable Second: Klasmeier  
Status: Approved

E. BALTIMORE COUNTY

1. 03-81-01Aex2 Clear Pond Farm, LLC (Dell) ~62 acres

Request – Baltimore County:

Request approval for a land exchange that will add ~.12 of an acre to the easement property in exchange for release of ~.12 of an acre from the easement to resolve a boundary line violation.

Recommendation:

Staff recommends approval, subject to:

1. the provisions of COMAR 15.15.11.03 (b), which require a determination that the value of the easement will not be diminished as a result of the land exchange, as further explained below;
2. the landowner signing a letter acknowledging the conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board;
3. satisfaction of all applicable requirements/conditions set forth below under the header "15.15.11.03 Criteria"; and
4. the landowner entering into a corrective easement to document the land exchange.

Ms. Turner introduced the item. Ms. Benjamin was available to address the Board.

Motion #7: To approve the land exchange of ~0.12 acres being released from the easement, and ~0.12 acres to be added into the easement, as requested, incorporating the staff recommendations as conditions of the approval.  
Motion: Kille Second: Herr Cornwell  
Status: Approved

**MALPF Board Open Meeting Minutes February 23, 2021**

F. ANNE ARUNDEL COUNTY

1. 02-81-07 Emmerich, H.W. Dorsey ~ 224 acres  
Emmerich, Joseph Jr. and Emmerich, Steven

Request – Anne Arundel County:

Staff requests approval to revise the terms of the previously approved 1-acre non-subdivideable owner's lot envelope into a standard, up to 2.0 acres owner's lot, documented through the standard release process, to comply with National Resources Conservation Services (NRCS) guidance.

Recommendation:

Staff recommends approval.

Ms. Turner introduced the item.

Motion #8: To approve the adjustment of the owner's lot, up to 2 acres, as presented.

Motion: Herr Cornwell Second: Wood  
Status: Approved

G. CHARLES COUNTY

1. 08-13-12 MSKD, LLC ~97.4325 acres

Request – Charles County:

Request approval for revision of a previously approved land exchange to resolve a grave site violation. The revision will increase the acreage to be added to the easement property from 1.53 acres to 1.68 acres and will increase the acreage to be released from the easement in exchange therefore from 1.53 acres to 1.68 acres.

Recommendation:

Staff recommends approval subject to

1. the provisions of COMAR 15.15.11.03 (b) which may require a determination that the value of the easement will not be diminished as a result of the land exchange, as further explained below;
2. the landowner signing a letter acknowledging the conditions of approval as provided herein, and of any other conditions of approval as determined by the Foundation's Board;
3. Satisfaction of all applicable requirements/conditions set forth below under the header "15.15.11.03 Criteria" in Section C(1) including, without limitation, approval by the Board of Public Works;
4. Recording of a corrective easement in the land records of Charles County to memorialize the land exchange.

Ms. Cousins introduced the item. Mr. Rice, Ms. Moore, and Mr. Lagana were available to address the Board. Ms. Moore inquired about any additional title expenses. Mr. Lagana commented that this revision request is administrative in nature and Mr. Martyn confirmed that no additional title work is needed.

Motion #9: To approve the revised land exchange of a total of ~1.68 acres being released from the easement, and ~1.68 acres to be added into the easement, as requested, incorporating the staff recommendations as conditions of the approval.



**MALPF Board Open Meeting Minutes February 23, 2021**

Department of Agriculture, Cathy Cosgrove, Cricket Goodall, Robin Kable, Joe Wood, and J. Bruce Yerkes.

The following Board members were absent: William Allen, Chair and Elizabeth Hill

The following MALPF staff and legal representatives were also present during the closed session meeting: Michelle Cable, Diane Chasse, Chana Turner, Sarel Cousins, Kim Hoxter, Amanda Massoni, Michael Steadman, Jr., Assistant Attorney General, Maryland Department of Agriculture, Patrick Martyn, Assistant Attorney General, Maryland Department of General Services and Renee Dyson, Assistant Attorney General, Maryland Department of General Services.

**TOPICS DISCUSSED:**

- A. Approval of January 26, 2021 Closed Session Minutes
- B. Status Report of Pending Legal Issues
- C. St. Mary's County easement donation due diligence expenses
- D. Pending easement application
- E. FY 2021 Round One Offers

Respectfully Submitted:



Michelle Cable, MALPF Executive Director